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ENERGY AND ENVIRONMENT CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WATER  
200 FAIR OAKS LANE  
FRANKFORT, KENTUCKY 40601  
[www.kentucky.gov](http://www.kentucky.gov)

LEONARD K. PETERS  
SECRETARY

### FACT SHEET

#### KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT TO DISCHARGE TREATED WASTEWATER INTO WATERS OF THE COMMONWEALTH

KPDES No.: KY0099341      Permit Writer: Ronnie Thompson      Date: March 3, 2009  
AI No.: 787

#### 1. SYNOPSIS OF APPLICATION

- a. Name and Address of Applicants  
Plymouth Engineered Shapes  
201 Commerce Court  
Hopkinsville, Kentucky 42240
- b. Facility Location  
Plymouth Engineered Shapes  
201 Commerce Court  
Hopkinsville, Christian County, Kentucky
- c. Description of Applicant's Operation  
Plymouth Engineered Shapes manufactures near net extruded shapes and profiles in titanium, nickel alloys, stainless carbon and steel alloys. Near net implies that the initial product is very close to the final, net shape (SIC Code 3356).
- d. Production Capacity of Facility  
N/A
- e. Description of Existing Pollution Abatement Facilities  
Outfall 001 was eliminated in October 1993.  
Outfall 002 - Storm water runoff is discharged untreated.  
Outfall 003 - Storm water runoff is discharged untreated.  
Outfall 004 - Storm water runoff is discharged untreated.  
Outfall 005 - Storm water runoff is discharged untreated.

f. Permitting Action

Reissuance of a minor KPDES permit for an existing source metal extrusion operation.

2. **RECEIVING WATERS**

a. Receiving Water Name

Unnamed tributary to mile point 3.8 of South Fork Little River.

b. Stream Segment Use Classifications

The unnamed tributary of South Fork Little River is classified as Warmwater Aquatic Habitat, Primary/Secondary Contact Recreation and Domestic Water Supply.

c. Stream Segment Antidegradation Categorization

The unnamed tributary of South Fork Little River is designated as a High Quality Water pursuant to 401 KAR 5:030, Section 1(3)(a)1.

d. Stream Low Flow Condition

At the point of discharge, the 7Q10 for the unnamed tributary to South Fork Little River is 0 cfs.

### 3. REPORTED DISCHARGE AND PROPOSED LIMITS

Description of Discharge - Outfall 002 - Storm water runoff

Effluent Characteristics	Reported Discharge		Proposed Limits		Applicable Water Quality Criteria and/or Effluent Guidelines
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	
Flow (mgd)	0.0013	0.0045	Report	Report	401 KAR 5:065, Section 2(8)
Precipitation (inches/day)	0.7	1.3	Report	Report	401 KAR 5:065, Section 2(8)
Oil & Grease (mg/l)	2.2	3.5	10	15	401 KAR 5:080, Section 1(2)(c)2
Total Suspended Solids (mg/l)	5.5	11.0	30	60	401 KAR 5:080, Section 1(2)(c)2
Total Recoverable Metals (mg/l)	NR	NR	Report	Report	401 KAR 5:065, Section 2(8)
Hardness (as mg/l CaCO <sub>3</sub> )	6.4	17.0	Report	Report	401 KAR 5:065, Section 2(8)
pH (standard units)	6.8 (min)	7.4 (max)	6.0 (min)	9.0 (max)	401 KAR 5:031, Section 4

The data in the Reported Discharge columns for Flow, Precipitation, Oil & Grease, Total Suspended Solids, Hardness and pH was determined from an analysis of the Discharge Monitoring Reports (DMRs) for the previous permit.

The abbreviation NR means Not Reported on the Discharge Monitoring Reports (DMRs).

Total Recoverable Metals are those metals listed on Form C, Part C - Metals, Cyanide and Total Phenols.

4. METHODOLOGY USED IN DETERMINING LIMITATIONS

a. Serial Number

Outfall 002 - Storm water runoff from 0.1 acres, none of which is impervious.

b. Effluent Characteristics

Flow	Total Suspended Solids	Hardness
Precipitation	Total Recoverable Metals	pH
Oil & Grease		

c. Pertinent Factors

None

d. Monitoring Requirements

Flow shall be monitored instantaneously once per quarter.

Precipitation shall be monitored once per quarter by measurement.

Oil & Grease, Total Suspended Solids, Total Recoverable Metals, Hardness and pH shall be monitored once per quarter by grab sample.

e. Justification of Limits

The Kentucky Administrative Regulations (KARs) cited below have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes (KRSs).

Flow, Precipitation, Total Recoverable Metals and Hardness

The monitoring requirements for these parameters are consistent with the requirements of 401 KAR 5:065, Section 2(8).

Total Suspended Solids and Oil & Grease

The limits for these parameters are consistent with the requirements of 401 KAR 5:080, Section 1(2)(c)2. The limits are representative of the Division of Water's "Best Professional Judgment" (BPJ) determination of the "Best Conventional Pollutant Control Technology" (BCT) requirements for these pollutants.

pH

The limits for this parameter are consistent with the requirements of 401 KAR 5:031, Section 4.

## 5. REPORTED DISCHARGE AND PROPOSED LIMITS

Description of Discharge - Outfall 003 - Storm water runoff.

Effluent Characteristics	Reported Discharge		Proposed Limits		Applicable Water Quality Criteria and/or Effluent Guidelines
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	
Flow (mgd)	0.0025	0.0081	Report	Report	401 KAR 5:065, Section 2(8)
Precipitation (inches/day)	0.7	1.3	Report	Report	401 KAR 5:065, Section 2(8)
Oil & Grease (mg/l)	2.3	3.4	10	15	401 KAR 5:080, Section 1(2)(c)2
Total Suspended Solids (mg/l)	5.0	8.4	30	60	401 KAR 5:080, Section 1(2)(c)2
Total Recoverable Metals (mg/l)	0.006	0.011	Report	Report	401 KAR 5:065, Section 2(8)
Hardness (as mg/l CaCO <sub>3</sub> )	5.1	12.0	Report	Report	401 KAR 5:065, Section 2(8)
pH (standard units)	6.6 (min)	7.5 (max)	6.0 (min)	9.0 (max)	401 KAR 5:031, Section 4

The data in the Reported Discharge columns for Flow, Precipitation, Oil & Grease, Total Suspended Solids, Total Recoverable Metals, Hardness and pH was determined from an analysis of the Discharge Monitoring Reports (DMRs) for the previous permit.

Total Recoverable Metals are those metals listed on Form C, Part C - Metals, Cyanide and Total Phenols.

6. METHODOLOGY USED IN DETERMINING LIMITATIONS

a. Serial Number

Outfall 003 - Storm water runoff from 0.7 acres, all of which is impervious.

b. Effluent Characteristics

Flow	Total Suspended Solids	Hardness
Precipitation	Total Recoverable Metals	pH
Oil & Grease		

c. Pertinent Factors

None

d. Monitoring Requirements

Flow shall be monitored instantaneously once per quarter.

Precipitation shall be monitored once per quarter by measurement.

Oil & Grease, Total Suspended Solids, Total Recoverable Metals, Hardness and pH shall be monitored once per quarter by grab sample.

e. Justification of Limits

The Kentucky Administrative Regulations (KARs) cited below have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes (KRSs).

Flow, Precipitation, Total Recoverable Metals and Hardness

The monitoring requirements for these parameters are consistent with the requirements of 401 KAR 5:065, Section 2(8).

Total Suspended Solids and Oil & Grease

The limits for these parameters are consistent with the requirements of 401 KAR 5:080, Section 1(2)(c)2. The limits are representative of the Division of Water's "Best Professional Judgment" (BPJ) determination of the "Best Conventional Pollutant Control Technology" (BCT) requirements for these pollutants.

pH

The limits for this parameter are consistent with the requirements of 401 KAR 5:031, Section 4.

## 7. REPORTED DISCHARGE AND PROPOSED LIMITS

Description of Discharge - Outfall 004 - Storm water runoff.

Effluent Characteristics	Reported Discharge		Proposed Limits		Applicable Water Quality Criteria and/or Effluent Guidelines
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	
Flow (mgd)	0.0015	0.0045	Report	Report	401 KAR 5:065, Section 2(8)
Precipitation (inches/day)	0.7	1.3	Report	Report	401 KAR 5:065, Section 2(8)
Oil & Grease (mg/l)	BDL	BDL	10	15	401 KAR 5:080, Section 1(2)(c)2
Total Suspended Solids (mg/l)	5.1	7.6	30	60	401 KAR 5:080, Section 1(2)(c)2
Total Recoverable Metals (mg/l)	BDL	BDL	Report	Report	401 KAR 5:065, Section 2(8)
Hardness (as mg/l CaCO <sub>3</sub> )	7.5	20.0	Report	Report	401 KAR 5:065, Section 2(8)
pH (standard units)	6.8 (min)	7.5 (max)	6.0 (min)	9.0 (max)	401 KAR 5:031, Section 4

The data in the Reported Discharge columns for Flow, Precipitation, Oil & Grease, Total Suspended Solids, Total Recoverable Metals, Hardness and pH was determined from an analysis of the Discharge Monitoring Reports (DMRs) for the previous permit.

The abbreviation BDL means Below Detectable Limit.

Total Recoverable Metals are those metals listed on Form C, Part C - Metals, Cyanide and Total Phenols.

8. METHODOLOGY USED IN DETERMINING LIMITATIONS

a. Serial Number

Outfall 004 - Storm water runoff from 0.4 acres, all of which is impervious.

b. Effluent Characteristics

Flow	Total Suspended Solids	Hardness
Precipitation	Total Recoverable Metals	pH
Oil & Grease		

c. Pertinent Factors

None

d. Monitoring Requirements

Flow shall be monitored instantaneously once per quarter.

Precipitation shall be monitored once per quarter by measurement.

Oil & Grease, Total Suspended Solids, Total Recoverable Metals, Hardness and pH shall be monitored once per quarter by grab sample.

e. Justification of Limits

The Kentucky Administrative Regulations (KARs) cited below have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes (KRSs).

Flow, Precipitation, Total Recoverable Metals and Hardness

The monitoring requirements for these parameters are consistent with the requirements of 401 KAR 5:065, Section 2(8).

Total Suspended Solids and Oil & Grease

The limits for these parameters are consistent with the requirements of 401 KAR 5:080, Section 1(2)(c)2. The limits are representative of the Division of Water's "Best Professional Judgment" (BPJ) determination of the "Best Conventional Pollutant Control Technology" (BCT) requirements for these pollutants.

pH

The limits for this parameter are consistent with the requirements of 401 KAR 5:031, Section 4.



## 9. REPORTED DISCHARGE AND PROPOSED LIMITS

Description of Discharge - Outfall 005 - Storm water runoff.

Effluent Characteristics	Reported Discharge		Proposed Limits		Applicable Water Quality Criteria and/or Effluent Guidelines
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	
Flow (mgd)	0.0135	0.0468	Report	Report	401 KAR 5:065, Section 2(8)
Precipitation (inches/day)	0.7	1.3	Report	Report	401 KAR 5:065, Section 2(8)
Oil & Grease (mg/l)	BDL	BDL	10	15	401 KAR 5:080, Section 1(2)(c)2
Total Suspended Solids (mg/l)	20.0	71.0	30	60	401 KAR 5:080, Section 1(2)(c)2
Total Recoverable Metals (mg/l)	0.015	0.040	Report	Report	401 KAR 5:065, Section 2(8)
Hardness (as mg/l CaCO <sub>3</sub> )	43.7	130.0	Report	Report	401 KAR 5:065, Section 2(8)
pH (standard units)	6.0 (min)	7.2 (max)	6.0 (min)	9.0 (max)	401 KAR 5:031, Section 4

The data in the Reported Discharge columns for Flow, Precipitation, Oil & Grease, Total Suspended Solids, Total Recoverable Metals, Hardness and pH was determined from an analysis of the Discharge Monitoring Reports (DMRs) for the previous permit.

The abbreviation BDL means Below Detectable Limit.

Total Recoverable Metals are those metals listed on Form C, Part C - Metals, Cyanide and Total Phenols.

10. **METHODOLOGY USED IN DETERMINING LIMITATIONS**

a. Serial Number

Outfall 005 - Storm water runoff from 6 acres, 21% of which is impervious.

b. Effluent Characteristics

Flow	Total Suspended Solids	Hardness
Precipitation	Total Recoverable Metals	pH
Oil & Grease		

c. Pertinent Factors

None

d. Monitoring Requirements

Flow shall be monitored instantaneously once per quarter.

Precipitation shall be monitored once per quarter by measurement.

Oil & Grease, Total Suspended Solids, Total Recoverable Metals, Hardness and pH shall be monitored once per quarter by grab sample.

e. Justification of Limits

The Kentucky Administrative Regulations (KARs) cited below have been duly promulgated pursuant to the requirements of Chapter 224 of the Kentucky Revised Statutes (KRSs).

Flow, Precipitation, Total Recoverable Metals and Hardness

The monitoring requirements for these parameters are consistent with the requirements of 401 KAR 5:065, Section 2(8).

Total Suspended Solids and Oil & Grease

The limits for these parameters are consistent with the requirements of 401 KAR 5:080, Section 1(2)(c)2. The limits are representative of the Division of Water's "Best Professional Judgment" (BPJ) determination of the "Best Conventional Pollutant Control Technology" (BCT) requirements for these pollutants.

pH

The limits for this parameter are consistent with the requirements of 401 KAR 5:031, Section 4.

11. **ANTIDEGRADATION**

The conditions of 401 KAR 5:029, Section 1 have been satisfied by this permit action. Since this permit action involves reissuance of an existing permit, and does not propose an expanded discharge, a review under 401 KAR 5:030 Section 1 is not applicable.

12. **PROPOSED COMPLIANCE SCHEDULE FOR ATTAINING EFFLUENT LIMITATIONS**

Permittee shall comply with the effluent limitations by the effective date of the permit.

13. **PROPOSED SPECIAL CONDITIONS WHICH WILL HAVE A SIGNIFICANT IMPACT ON THE DISCHARGE**

Best Management Practices (BMP) Plan

Pursuant to 401 KAR 5:065, Section 2(10), a BMP requirement shall be included: to control or abate the discharge of pollutants from ancillary areas containing toxic or hazardous substances or those substances which could result in an environmental emergency; where numeric effluent limitations are infeasible; or to carry out the purposes and intent of KRS 224. The facility has several areas where support activities occur which have a potential of the discharge of such substances through storm water runoff or spillage. Some of these areas will drain to present wastewater treatment plants, others will not.

Outfall Signage

As a member of ORSANCO (Ohio River Valley Sanitation Commission) the Commonwealth of Kentucky through the Division of Water implements a requirement that the permittee post a permanent marker at each discharge point to the Ohio River. It is the Best Professional Judgment of the Division of Water, 401 KAR 5:080, Section 1(2)(c)2, that all permittees post a marker at all discharge locations and/or monitoring points. The ORSANCO requirements for the marker specify it to be at least 2 feet by 2 feet in size and a minimum of 3 feet above ground level with the Permittee Name and KPDES permit and outfall numbers in 2 inch letters. For internal monitoring points the marker shall be of sufficient size to include the outfall number in 2 inch letters and is to be posted as near as possible to the actual sampling location.

14. **PERMIT DURATION**

Five (5) years. This facility is in the Tennessee/Mississippi/Cumberland Basin Management Unit as per the Kentucky Watershed Management Framework.

15. **PERMIT INFORMATION**

The application, draft permit fact sheet, public notice, comments received, and additional information is available by writing the Division of Water at 200 Fair Oaks Lane, Frankfort, Kentucky 40601.

16. **REFERENCES AND CITED DOCUMENTS**

All material and documents referenced or cited in this fact sheet are parts of the permit information as described above and are readily available at the Division of Water Central Office. Information regarding these materials may be obtained from the person listed below.

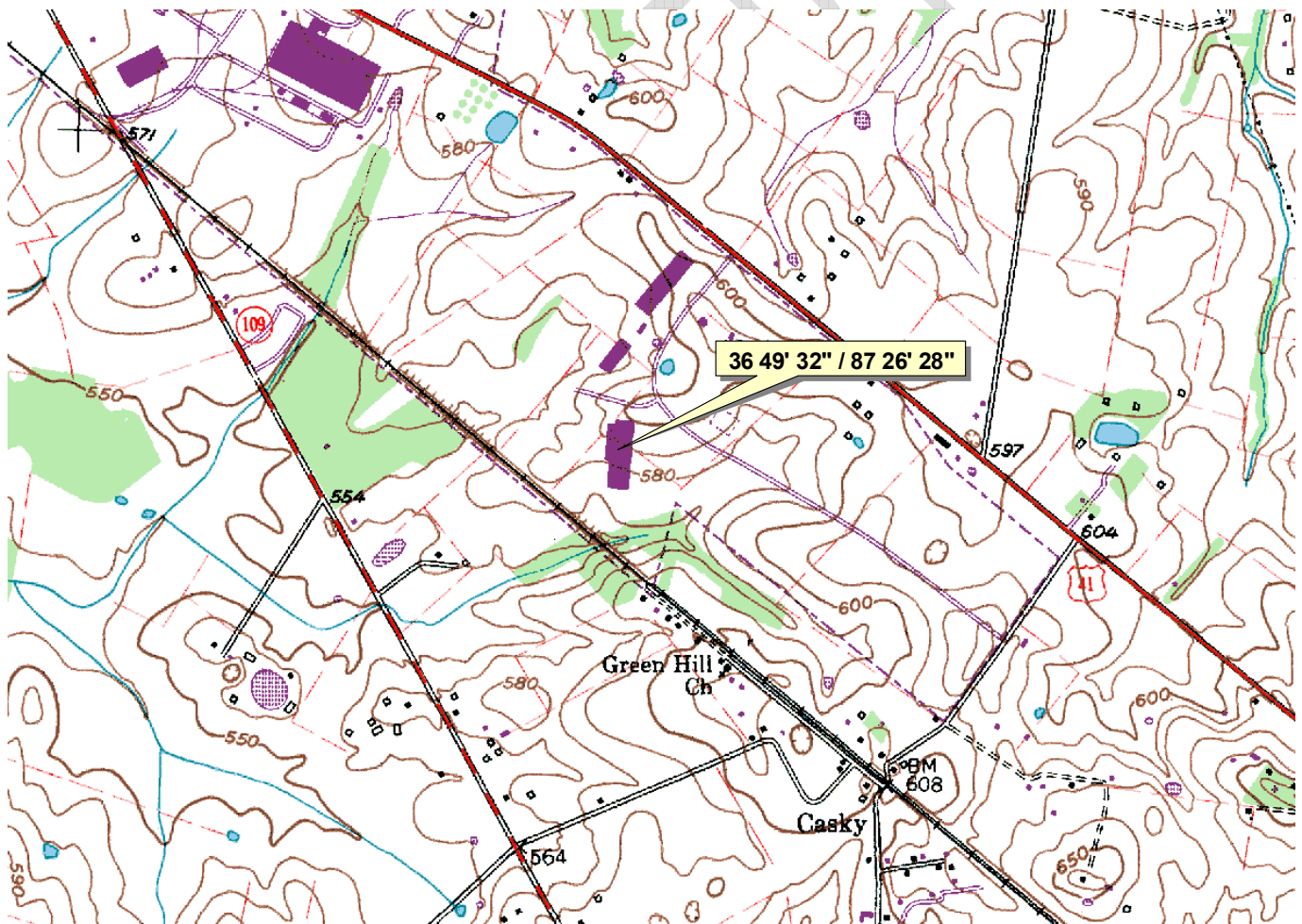
17. **CONTACT**

For further information, contact the individual identified on the Public Notice or the Permit Writer - Ronnie Thompson at (502) 564-8158, extension 4896 or e-mail [Ronnie.Thompson@ky.gov](mailto:Ronnie.Thompson@ky.gov).

18. **PUBLIC NOTICE INFORMATION**

Please refer to the attached Public Notice for details regarding the procedures for a final permit decision, deadline for comments, and other information required by 401 KAR 5:075, Section 4(2)(e).

## Plymouth Engineered Shapes



# KPDES



## KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

# PERMIT

PERMIT NO.: KY0099341

AI No.: 787

### AUTHORIZATION TO DISCHARGE UNDER THE KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

Pursuant to Authority in KRS 224,

Plymouth Engineered Shapes  
201 Commerce Court  
Hopkinsville, Kentucky 42240

is authorized to discharge from a facility located at

Plymouth Engineered Shapes  
201 Commerce Court  
Hopkinsville, Christian County, Kentucky

to receiving waters named

Unnamed tributary to mile point 3.8 of South Fork Little River.

in accordance with effluent limitations, monitoring requirements, and other conditions set forth in PARTS I, II, III, and IV hereof. The permit consists of this cover sheet, PART I 2 pages, PART II 6 pages, PART III 1 page, and PART IV 3 pages.

This permit shall become effective on

This permit and the authorization to discharge shall expire at midnight,

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Sandra L. Gruzesky, Director  
Division of Water

# A1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the term of this permit, the permittee is authorized to discharge from Outfalls serial numbers: 002, 003, 004 and 005 - Storm water runoff.

Such discharges shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	(lbs/day)	Other Units (Specify)				
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.	Measurement Frequency	Sample Type
Flow (mgd)	Report	Report	N/A	N/A	1/Quarter	Instantaneous
Precipitation (inches/day)	N/A	N/A	Report	Report	1/Quarter	Measured
Oil & Grease	N/A	N/A	10 mg/l	15 mg/l	1/Quarter	Grab
Total Suspended Solids	N/A	N/A	30 mg/l	60 mg/l	1/Quarter	Grab
Total Recoverable Metals (mg/l)	N/A	N/A	Report	Report	1/Quarter	Grab
Hardness (as mg/l CaCO <sub>3</sub> )	N/A	N/A	Report	Report	1/Quarter	Grab

The pH of the effluent shall not be less than 6.0 standard units or greater than 9.0 standard units and shall be monitored 1/Quarter by grab sample.

There shall be no discharge of floating solids or visible foam or sheen in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: nearest accessible point prior to discharge or to mixing with the receiving waters or waste streams from other outfalls.

The abbreviation N/A means Not Applicable.

Total Recoverable Metals are those metals listed on Form C, Part C - Metals, Cyanide and Total Phenols.

B. Schedule of Compliance

The permittee shall achieve compliance with all requirements on the effective date of this permit.

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### **STANDARD CONDITIONS FOR KPDES PERMIT**

The permittee is also advised that all KPDES permit conditions in KPDES Regulation 401 KAR 5:065, Section 1 will apply to all discharges authorized by this permit.

This permit has been issued under the provisions of KRS Chapter 224 and regulations promulgated pursuant thereto. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal, and local agencies.

It is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods.

**(1) Duty to comply.**

**(a) General requirement.**

The permittee shall comply with all conditions of this permit. Any permit noncompliance shall constitute a violation of KRS Chapter 224, among which shall be the following remedies: enforcement action, permit revocation, revocation and reissuance, or modification; or denial of a permit renewal application.

**(b) Specific duties.**

1. The permittee shall comply with effluent standards or prohibitions established under 40 CFR Part 129 as of July 1, 2001, as adopted without change, within the time provided in the federal regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

2. Any person who violates a permit condition as set forth in the KPDES administrative regulations shall be subject to penalties under KRS 224.99-010(1) and (4).

**(2) Duty to reapply.**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit as required in 401 KAR 5:060, Section 1.

**(3) Need to halt or reduce activity not a defense.**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**(4) Duty to mitigate.**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

**(5) Proper operation and maintenance.**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also shall include adequate laboratory controls, and appropriate quality assurance procedures. This provision shall require the operation of back-up or auxiliary facilities or similar systems, which are installed by a permittee only if the operation is necessary to achieve compliance with the conditions of the permit.



**(6) Permit actions.**

The permit may be modified, revoked and reissued, or revoked for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or revocation, or a notification of planned changes or anticipated noncompliance, shall not stay any permit condition.

**(7) Property rights.**

This permit shall not convey any property rights of any kind, or any exclusive privilege.

**(8) Duty to provide information.**

The permittee shall furnish to the cabinet, within a reasonable time, any information that the cabinet may request to determine whether cause exists for modifying, revoking and reissuing, or revoking this permit, or to determine compliance with this permit. The permittee shall also furnish to the cabinet, upon request, copies of records required to be kept by this permit.

**(9) Inspection and entry.**

The permittee shall allow the cabinet, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records pertinent to the KPDES program are or may be kept;
- (b) Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring KPDES program compliance or as otherwise authorized by KRS Chapter 224, any substances or parameters at any location.

**(10) Monitoring and records.**

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report, or application. This period may be extended by request of the cabinet at any time.
- (c) Records of monitoring information shall include:
  - 1. The date, exact place, and time of sampling or measurements;
  - 2. The individuals who performed the sampling or measurements;
  - 3. The dates analyses were performed;
  - 4. The individuals who performed the analyses;
  - 5. The analytical techniques or methods used; and
  - 6. The results of the analyses.
- (d) Monitoring shall be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit.
- (e) Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under the permit shall, upon conviction, be subject to penalties under KRS 224.99-010(4).

**(11) Signatory requirement.**

All applications, reports, or information submitted to the cabinet shall be signed and certified as indicated in 401 KAR 5:060, Section 9. Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be subject to penalties under KRS 224.99-010(4).

**(12) Reporting requirements.**

**(a) Planned changes.**

The permittee shall give notice to the cabinet as soon as possible of any planned physical alteration or additions to the permitted facility. Notice shall be required only if:

1. The alteration or addition to a permitted facility may meet one (1) of the criteria for determining whether a facility is a new source in 401 KAR 5:080, Section 5; or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification only applies to pollutants that are subject either to effluent limitations in the permit, or to notification requirements under 401 KAR 5:080, Section 5.

**(b) Anticipated noncompliance.**

The permittee shall give advance notice to the cabinet of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.

**(c) Transfers.**

The permit shall not be transferable to any person except after notice to the cabinet. The cabinet may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate other requirements as may be necessary under KRS Chapter 224.

**(d) Monitoring reports.**

Monitoring results shall be reported at the intervals specified in the permit. Monitoring results shall be reported as follows:

1. Monitoring results shall be reported on a Discharge Monitoring Report (DMR).
2. If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
3. Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the cabinet in the permit.

**(e) Compliance schedules.**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.

**(f) Twenty-four (24) hour reporting.**

The permittee shall follow the provisions of 401 KAR 5:015 and shall orally report any noncompliance which may endanger health or the environment, within twenty-four (24) hours from the time the permittee becomes aware of the circumstances. This report shall be in addition to and not in lieu of any other reporting requirement applicable to the noncompliance. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The cabinet may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours. The following shall be included as events that shall be reported within twenty-four (24) hours:

1. Any unanticipated bypass that exceeds any effluent limitation in the permit, as indicated in subsection (13) of this section.
2. Any upset which exceeds any effluent limitation in the permit.
3. Violation of a maximum daily discharge limitation for any of the pollutants listed by the cabinet in the permit to be reported within twenty-four (24) hours, as indicated in Section 2(7) of this administrative regulation.

**(g) Other noncompliance.**

The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this subsection, when monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this subsection.

**(h) Other information.**

Where the permittee becomes aware that it failed to submit any relevant fact in a permit application, or submitted incorrect information in a permit application or in any report to the cabinet, it shall promptly submit these facts or information.

**(13) Occurrence of a bypass.**

**(a) Bypass not exceeding limitations.**

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. This type of bypass shall not be subject to the provisions of paragraphs (b) and (c) of this subsection.

**(b) Notice.**

**1. Anticipated bypass.**

If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass. Compliance with this requirement constitutes compliance with 401 KAR 5:015, Section 1.

**2. Unanticipated bypass.**

The permittee shall submit notice of an unanticipated bypass as required in subsection (12)(f) of this section, twenty-four (24) hour notice. Compliance with this requirement constitutes compliance with 401 KAR 5:015, Section 4.

**(c) Prohibition of a bypass.**

1. Bypassing shall be prohibited, and the cabinet may take enforcement action against a permittee for bypass, unless:

a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition shall not be satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The permittee submitted notices as required under paragraph (b) of this subsection.

2. The cabinet may approve an anticipated bypass, after considering its adverse effects, if the cabinet determines that it will meet the three (3) conditions listed in subparagraph 1a, b, and c of this paragraph.

**(14) Occurrence of an upset.**

**(a) Effect of an upset.**

An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of paragraph (b) of this subsection are met.

**(b) Conditions necessary for a demonstration of an upset.**

A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and that the permittee can identify the causes of the upset;

2. The permitted facility was at the time being properly operated;

3. The permittee submitted notice of the upset as required in subsection (12)(f) of this section; and

4. The permittee complied with any remedial measures required under subsection (4) of this section.

**(c) Burden of proof.**

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset shall have the burden of proof.

**(15) Additional conditions applicable to specified categories of KPDES permits.**

The following conditions, in addition to others set forth in this administrative regulation, shall apply to all KPDES permits within the categories specified below:

**(a) Existing manufacturing, commercial, mining, and silvicultural dischargers.**

In addition to the reporting requirements under subsections (12), (13), and (14) of this section, any existing manufacturing, commercial, mining, and silvicultural discharger shall notify the cabinet as soon as it knows or has reason to know:

1. That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"

a. 100 micrograms per liter (100 µg/l);

b. 200 micrograms per liter (200 µg/l) for acrolein and acrylonitrile; 500 micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one (1) milligram per liter (1 mg/l) for antimony;

c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 401 KAR 5:060, Section 2(7);

d. The level established by the cabinet in accordance with Section 2(6) of this administrative regulation.

2. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"

a. 500 micrograms per liter (500 µg/l);

b. One (1) milligram per liter (1 mg/l) for antimony;

c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 401 KAR 5:060, Section 2(7); or

d. The level established by the cabinet in accordance with Section 2(6) of this administrative regulation.

**(b) POTWs.**

1. POTWs shall provide adequate notice to the cabinet of the following:

a. Any new introduction of pollutants into that POTW from an indirect discharger which would be subject to the KPDES administrative regulations if it were directly discharging those pollutants; or

b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

2. For purposes of this paragraph, adequate notice shall include information on the quality and quantity of effluent introduced into the POTWs and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

**PART III**

OTHER REQUIREMENTS

A. Reporting of Monitoring Results

Monitoring results obtained during each monitoring period must be reported on a preprinted Discharge Monitoring Report (DMR) Form that will be mailed to you. The completed DMR for each monitoring period must be sent to the Division of Water at the address listed below (with a copy to the appropriate Regional Office) postmarked no later than the 28th day of the month following the monitoring period for which monitoring results were obtained.

Division of Water  
Madisonville Regional Office  
Madisonville State Office Bldg.  
625 Hospital Drive  
Madisonville, Kentucky 42431-1683  
ATTN: Supervisor

Energy and Environment Cabinet  
Dept. for Environmental Protection  
Division of Water/Surface Water Permits  
Branch  
200 Fair Oaks Lane  
Frankfort, Kentucky 40601

B. Reopener Clause

This permit shall be modified, or alternatively revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under 401 KAR 5:050 through 5:086, if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of KRS Chapter 224 when applicable.

C. Outfall Signage

The permittee shall post a permanent marker at all discharge locations and/or monitoring points. The marker shall be at least 2 feet by 2 feet in size and a minimum of 3 feet above ground level with the Permittee Name and KPDES permit and outfall numbers in 2 inch letters. For internal monitoring points the marker shall be of sufficient size to include the outfall number in 2 inch letters and shall be posted as near as possible to the actual sampling location.

## PART IV

### BEST MANAGEMENT PRACTICES

#### SECTION A. GENERAL CONDITIONS

1. Applicability

These conditions apply to all permittees who use, manufacture, store, handle, or discharge any pollutant listed as: (1) toxic under Section 307(a)(1) of the Clean Water Act; (2) oil, as defined in Section 311(a)(1) of the Act; (3) any pollutant listed as hazardous under Section 311 of the Act; or (4) is defined as a pollutant pursuant to KRS 224.01-010(35) and who have ancillary manufacturing operations which could result in (1) the release of a hazardous substance, pollutant, or contaminant, or (2) an environmental emergency, as defined in KRS 224.01-400, as amended, or any regulation promulgated pursuant thereto (hereinafter, the "BMP pollutants"). These operations include material storage areas; plant site runoff; in-plant transfer, process and material handling areas; loading and unloading operations, and sludge and waste disposal areas.

2. BMP Plan

The permittee shall develop and implement a Best Management Practices (BMP) plan consistent with 401 KAR 5:065, Section 2(10) pursuant to KRS 224.70-110, which prevents or minimizes the potential for the release of "BMP pollutants" from ancillary activities through plant site runoff; spillage or leaks, sludge or waste disposal; or drainage from raw material storage. A Best Management Practices (BMP) plan will be prepared by the permittee unless the permittee can demonstrate through the submission of a BMP outline that the elements and intent of the BMP have been fulfilled through the use of existing plans such as the Spill Prevention Control and Countermeasure (SPCC) plans, contingency plans, and other applicable documents.

3. Implementation

If this is the first time for the BMP requirement, then the plan shall be developed and submitted to the Division of Water within 90 days of the effective date of the permit. Implementation shall be within 180 days of that submission. For permit renewals the plan in effect at the time of permit reissuance shall remain in effect. Modifications to the plan as a result of ineffectiveness or plan changes to the facility shall be submitted to the Division of Water and implemented as soon as possible.

4. General Requirements

The BMP plan shall:

- a. Be documented in narrative form, and shall include any necessary plot plans, drawings, or maps.
- b. Establish specific objectives for the control of toxic and hazardous pollutants.
  - (1) Each facility component or system shall be examined for its potential for causing a release of "BMP pollutants" due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.

4. General Requirements

The BMP plan shall:

- a. Be documented in narrative form, and shall include any necessary plot plans, drawings, or maps.
- b. Establish specific objectives for the control of toxic and hazardous pollutants.
  - (1) Each facility component or system shall be examined for its potential for causing a release of "BMP pollutants" due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.
  - (2) Where experience indicates a reasonable potential for equipment failure (e.g., a tank overflow or leakage), natural condition (e.g., precipitation), or other circumstances which could result in a release of "BMP pollutants", the plan should include a prediction of the direction, rate of flow and total quantity of the pollutants which could be released from the facility as result of each condition or circumstance.
- c. Establish specific Best Management Practices to meet the objectives identified under paragraph b of this section, addressing each component or system capable of causing a release of "BMP pollutants."
- d. Include any special conditions established in part b of this section.
- e. Be reviewed by plant engineering staff and the plant manager.

5. Specific Requirements

The plan shall be consistent with the general guidance contained in the publication entitled "NPDES Best Management Practices Guidance Document," and shall include the following baseline BMPs as a minimum.

- a. BMP Committee
- b. Reporting of BMP Incidents
- c. Risk Identification and Assessment
- d. Employee Training
- e. Inspections and Records
- f. Preventive Maintenance
- g. Good Housekeeping
- h. Materials Compatibility
- i. Security
- j. Materials Inventory

6. SPCC Plans

The BMP plan may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans under Section 311 of the Act and 40 CFR Part 151, and may incorporate any part of such plans into the BMP plan by reference.



7. Hazardous Waste Management

The permittee shall assure the proper management of solid and hazardous waste in accordance with the regulations promulgated under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1978 (RCRA) (40 U.S.C. 6901 et seq.) Management practices required under RCRA regulations shall be referenced in the BMP plan.

8. Documentation

The permittee shall maintain a description of the BMP plan at the facility and shall make the plan available upon request to NREPC personnel. Initial copies and modifications thereof shall be sent to the following addresses when required by Section 3:

Division of Water  
Madisonville Regional Office  
Madisonville State Office Bldg.  
625 Hospital Drive  
Madisonville, Kentucky 42431-1683  
ATTN: Supervisor

Energy and Environment Cabinet  
Dept. for Environmental Protection  
Division of Water/Surface Water Permits  
Branch  
200 Fair Oaks Lane  
Frankfort, Kentucky 40601

9. BMP Plan Modification

The permittee shall amend the BMP plan whenever there is a change in the facility or change in the operation of the facility which materially increases the potential for the ancillary activities to result in the release of "BMP pollutants."

10. Modification for Ineffectiveness

If the BMP plan proves to be ineffective in achieving the general objective of preventing the release of "BMP pollutants," then the specific objectives and requirements under paragraphs b and c of Section 4, the permit, and/or the BMP plan shall be subject to modification to incorporate revised BMP requirements. If at any time following the issuance of this permit the BMP plan is found to be inadequate pursuant to a state or federal site inspection or plan review, the plan shall be modified to incorporate such changes necessary to resolve the concerns.

SECTION B. SPECIFIC CONDITIONS

Periodically Discharged Wastewaters Not Specifically Covered By Effluent Conditions

The permittee shall include in this BMP plan procedures and controls necessary for the handling of periodically discharged wastewaters such as intake screen backwash, meter calibration, fire protection, hydrostatic testing water, water associated with demolition projects, etc.